

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 359

95TH GENERAL ASSEMBLY

1170S.06T

2009

AN ACT

To repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

- Section A. Section 227.107, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.107, to read as follows:
- 227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation commission is authorized to enter into highway design-build project contracts. [The authority granted to the state highways and transportation commission by this section shall be limited to a total of three design-build project contracts. Two design-build projects authorized by this section shall be selected by the highways and transportation commission from 1992 fifteen year plan projects.] **The total number of highway design-build project contracts awarded by the commission in any state fiscal year shall not exceed two percent of the total number of all state highway system projects listed in the commission's approved statewide transportation improvement project for that state fiscal year.** Authority to enter into design-build projects granted by this section shall expire on July 1, 2012, unless extended by statute [or upon completion of three projects, whichever is first].

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 2. Notwithstanding provisions of subsection 1 of this section to the contrary, the
14 state highways and transportation commission is authorized to enter into additional
15 design-build contracts for the design, construction, reconstruction, or improvement of
16 Missouri Route 364 as contained in any county with a charter form of government and
17 with more than two hundred fifty thousand but fewer than three hundred fifty thousand
18 inhabitants and in any county with a charter form of government and with more than one
19 million inhabitants, and the State Highway 169 and 96th Street intersection located within
20 a home rule city with more than four hundred thousand inhabitants and located in more
21 than one county. The state highways and transportation commission is authorized to enter
22 into an additional design-build contract for the design, construction, reconstruction, or
23 improvement of State Highway 92, contained in a county of the first classification with
24 more than one hundred eighty-four thousand but fewer than one hundred eighty-eight
25 thousand inhabitants, from its intersection with State Highway 169, east to its intersection
26 with State Highway E. The authority to enter into a design-build highway project under
27 this subsection shall not be subject to the time limitation expressed in subsection 1 of this
28 section.

29 3. For the purpose of this section a "design-builder" is defined as an individual,
30 corporation, partnership, joint venture or other entity, including combinations of such entities
31 making a proposal to perform or performing a design-build highway project contract.

32 [3.] 4. For the purpose of this section, "design-build highway project contract" is defined
33 as the procurement of all materials and services necessary for the design, construction,
34 reconstruction or improvement of a state highway project in a single contract with a
35 design-builder capable of providing the necessary materials and services.

36 [4.] 5. For the purpose of this section, "highway project" is defined as the design,
37 construction, reconstruction or improvement of highways or bridges under contract with the state
38 highways and transportation commission, which is funded by state, federal or local funds or any
39 combination of such funds.

40 [5.] 6. In using a design-build highway project contract, the commission shall establish
41 a written procedure by rule for prequalifying design-builders before such design-builders will be
42 allowed to make a proposal on the project.

43 [6.] 7. In any design-build highway project contract, whether involving state or federal
44 funds, the commission shall require that each person submitting a request for qualifications
45 provide a detailed disadvantaged business enterprise participation plan. The plan shall provide
46 information describing the experience of the person in meeting disadvantaged business enterprise
47 participation goals, how the person will meet the department of transportation's disadvantaged